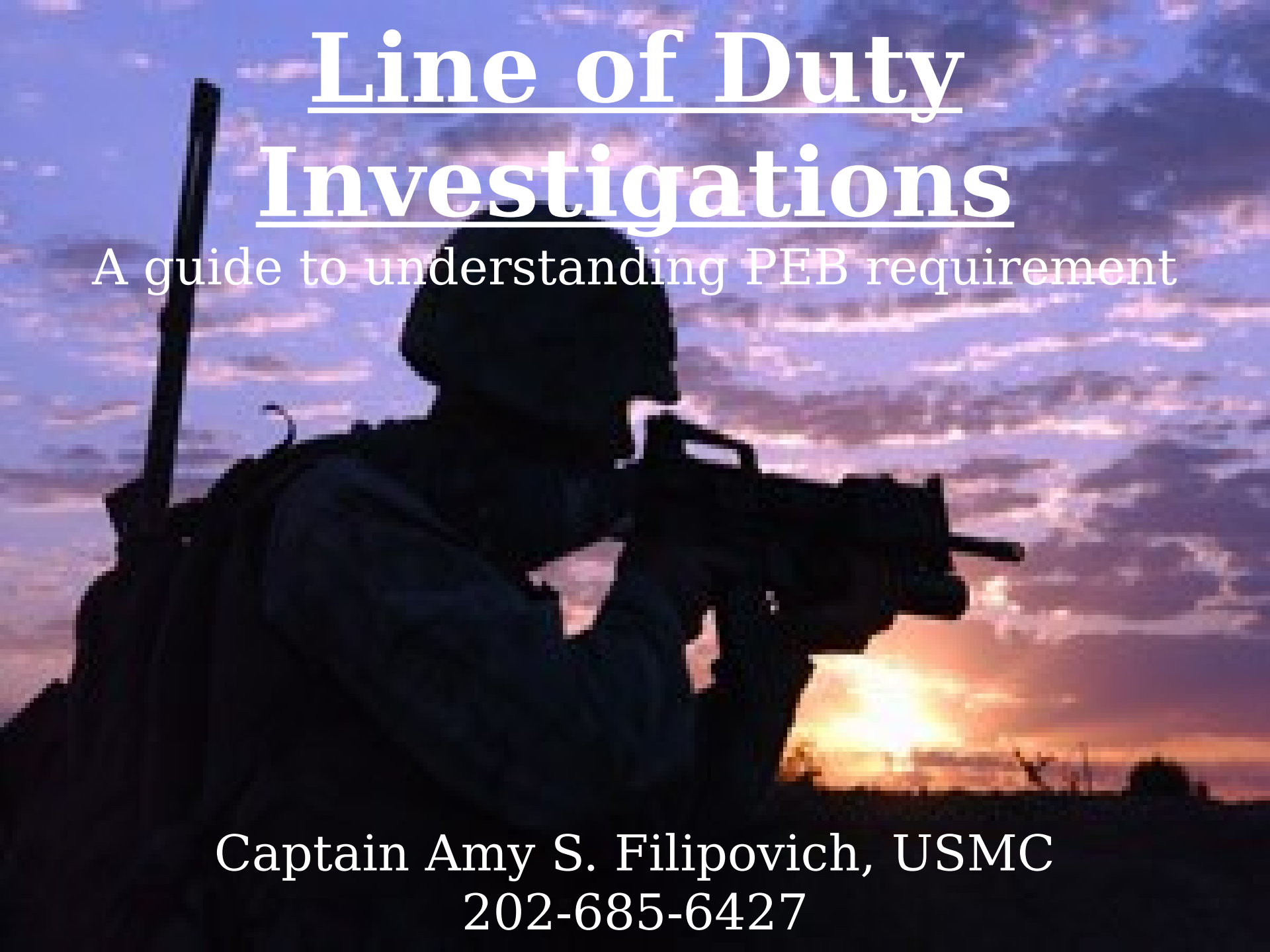

Line of Duty Investigations

A guide to understanding PEB requirement

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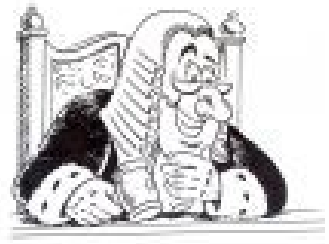
The PEB's Legal Requirements:

Getting the MEB accepted the first time

- Definitions
- Understanding the difference
  - –Preliminary Inquiry
  - –Line of Duty Determination (LODD)
  - –Line of Duty Investigation (LODI)
- PEB Policy
- Examples



Definitions

- **Preliminary Inquiry:**
  - 1-2 page summary of the accident/injury.

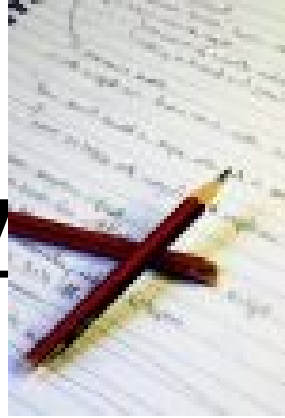
- **Line of Duty Determination (LODD):**
  - Commanding Officer and Medical Officer determination of “line of duty”. Accompanied by the Preliminary Inquiry.

- **Line of Duty Investigation (LODI):**
  - Full report with all enclosures. Accompanied by the General Courts Martial Convening Authority

Why worry about legal?

JAGMAN Chapter II requires a line of duty/misconduct determination for injuries which may result in permanent disability and identifies who is responsible to order and/or conduct them. (SECNAV 1850.4E 3-61)

Preliminary Inquiry



"Each injury requiring a LOD/M determination MUST be the subject of a preliminary inquiry. If the command conducting the preliminary inquiry is NOT a GCMCA, the command must report the findings to the GCMCA."

Unless the GCMCA directs otherwise, the command will provide a copy of this preliminary inquiry report to the appropriate medical department for inclusion in the health record.

(JAGMAN Section 0230)

Line of Duty Determination

A proper medical record entry requires the medical officer (or the senior representative of the medical department) to make a recommendation to the CO who endorses that recommendation stating the injury was incurred in the line of duty and not as a result of the member's misconduct.

The Co's endorsement and Medical Officer's signature must be entered into the member's health record.

This record and the preliminary inquiry will suffice in the majority of cases.

Line of Duty Determinations make life easy!

A medical board convening authority that refers a member for disability evaluation shall include a copy of the line of duty/ misconduct determination (LODD) and the preliminary inquiry w
he medical board report.
SECNAV 1850.4E)

Line of Duty Investigation (LODI)

General Courts Martial Convening Authority (GCMCA)

ine of Duty Investigati

The President, PEB, may determine that a full Line of Duty Investigation (LODI) with General Courts Martial Convening Authority (GCMCA) Endorsement is required due to the circumstances surrounding the injury.

In the case where a LODD is not sufficient, the case will be returned to the MTF or Reserve Center until the GCMCA are complete.

SECNAV 1850.4E:
PEB Policy

- How Long?
- “Not in the Line of Dut
- “Gross Negligence”

2 Year Rule

- If **>** 2 years, the member's convening authority will continue to process the case, including forwarding the case to the PEB.

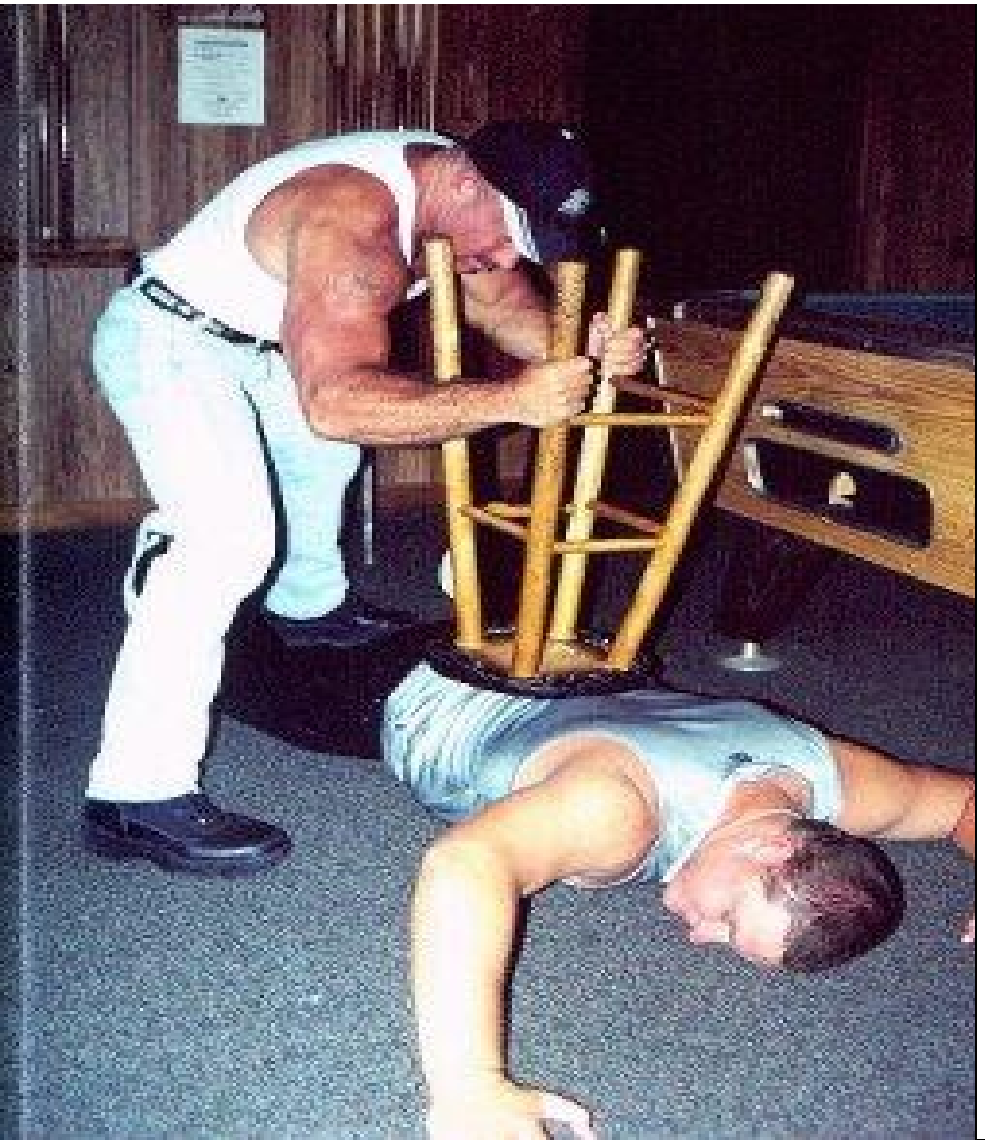
- That does not mean the PEB can't call you to find out if a LODD/LODI was ever completed!

<u>Check for an LODD/LODI on cases > 2 years PRIOR to submitting the case to the PEB.</u>

njury/Disease < 2 year old

- < 2 years since injury, the MEB convening authority will contact the responsible field commander and request a LODD/LODI be completed.
- ONLY send the case to the PEB with:
  - a LODD and preliminary inquiry
  - a LODI with GCMCA
  - a statement fro the cognizant GCMCA stating that the LODD/LODI was not required or not able to be obtained (SECNAV 1850.4E 3-25)

Not in the Line of Duty



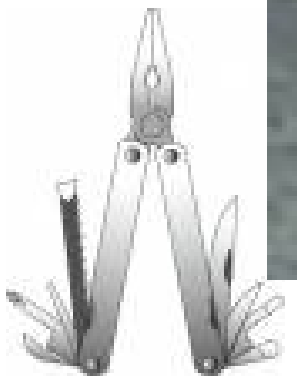
- As a result of the member's own misconduct
- While avoiding duty while deserting the service
- During unauthorized absence
- Confined by courts-martial (dishonorable discharge)
- Confined by civilian court (felony)

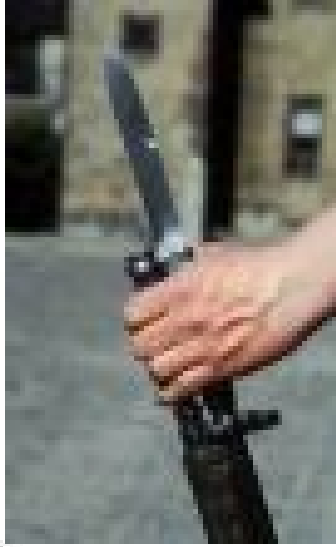
Gross Negligence

- Intentional Misconduct/Willful Neglect: The disease/injury was intentionally incurred of the "proximate result" of such gross negligence as to demonstrate reckless disregard of the

Could the injury or disease have been reasonably foreseen from the course of conduct?

Example





Dictation and Heath Record state….

Marine stabbed in leg.

PEB rejects……

PEB requests LODI/GCMCA for stabbing 7 months ago.

Command calls….

1stSgt explains that “Marine Stabbed his leg with Gerber while opening MRE”

This could have been avoided by including the LODD with Preliminary Inquiry!

Use common sense!

Falling” for Love

- 2 sailors rent a hotel in Japan.
- Door locked from outside….. Male departs room via window to ask front desk for assistance.
- Male re-enters room and departs while female is in the shower.
- Female, who thinks door is still locked from the outside, crawls out window and falls through neighboring business…….

AND YOU WONDER WHY WE ASK FOR A LINE OF DUTY

Common Sense Questions:

- Was alcohol involved?
- Were drugs involved?
- Was speed involved?
- Was a LODD/LODI completed?

Combat Related

- Include a statement of injury from the member
- The injury must be substantiated by the health record
- The command may also include a statement verifying the injury.

176 REJECTED CASES

1 Jan 03 – 31 Dec 03

19 case were rejected for Pending legal = 11%

25 cases were rejected for Missing/Incomplete LODDs or = 14%

Don’t Let This Happen
To You!

QUESTIONS ?